

# AMNESTY INTERNATIONAL

## Public Statement

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### **Sudan: Application for summonses for two war crimes suspects a small but significant step towards justice in Darfur**

Amnesty International said that today's application by the Prosecutor of the International Criminal Court (ICC) to issue summonses to two people suspected of crimes against humanity and war crimes in Darfur was a small but significant step towards securing justice for the millions of victims of these crimes in Darfur. The organization urged the Prosecutor to seek further summons or arrest warrants as soon as possible.

Amnesty International also called on the UN Security Council to demand that the government of Sudan not only arrest and surrender the two suspects, if they do not appear voluntarily, but also to enact and implement the necessary legislation to bring to justice all those responsible for crimes against humanity and war crimes in Darfur.

Ahmad Harun and Ali Muhammad Ali Abdelrahman (aka Ali Kushayb) are charged with war crimes and crimes against humanity including killings, destruction of property, pillage, forcible transfer of population, rapes, deprivation of liberty, torture, outrages upon personal dignity and other inhumane acts. Ahmad Harun is the former State Minister of Interior and Ali Muhammad Ali Abdelrahman is a renowned Janjawid leader.

The warrant for Ahmed Harun is particularly significant as it marks the first time the ICC has sought to prosecute a former government official. It also reflects the links between the government and Janjawid militia -- something the Sudanese government continues to deny.

The application for the summonses for the two men comes a year and a half after the opening of the investigation into crimes against humanity and war crimes in Darfur. Until today, no prosecutor in Sudan or elsewhere had made any serious attempt to investigate or prosecute such crimes. Today's application illustrates the scale of the challenge facing the international community in ensuring that the thousands of people who have committed -- and are continuing to commit -- such crimes in Darfur with complete impunity are brought to justice and that the millions of victims and their families obtain full reparations in the ICC, Sudanese national courts or the courts of other states exercising universal jurisdiction.

The ICC Prosecutor has indicated that although he has the power under the Rome Statute establishing the ICC to investigate and prosecute anyone suspected of war crimes and crimes against humanity when states are unable and unwilling to do so, he will only pursue "the leaders who bear most responsibility for the crimes". It is clear that there are many others in Sudan who fit this category against whom sufficient admissible evidence can be obtained and that to implement his policy he will need to seek many more summonses or arrest warrants in the near future. Amnesty International welcomes his commitment today to investigate other crimes which are continuing in Darfur.

Although the Security Council required Sudan -- in Resolution 1593 (2005) -- to "cooperate fully with and provide any necessary assistance to the Court", Sudan's Minister of Justice, Mohamed Ali al-Mardi, is reported to have declared today that "[t]he ICC has no jurisdiction to try any Sudanese" and that "[t]he Sudanese government will not allow any Sudanese to be tried and punished outside the national justice framework". The ICC has no police force with which to execute warrants if suspects do not comply with summonses. It relies on the willingness of the governments of the states where the suspects are located or on peacekeeping operations, such as the African Mission in Sudan (AMIS) of the African Union (AU), to arrest them. However, the AU has refused for more than a year to sign a cooperation agreement with the ICC to assist its investigations and to surrender suspects.

With Sudan refusing to hand over the suspects the onus now lies on the international community, including the AU, to give effect to the ICC summonses if the suspects do not surrender. If the summonses (or warrants) are issued without any follow up action, victims and their families will continue to be denied justice and reparations. The international community must act on the Sudan case not just for the sake of bringing justice for the crimes in Darfur, but also to safeguard the long-term effectiveness of the Court.

The scale of the crimes committed in Darfur is enormous. Over two million people have been displaced, some 85,000 killed, and thousands of women raped since the conflict began.

As the Security Council has already recognized in the case of Rwanda, the responsibility to investigate and prosecute those suspected of war crimes and crimes against humanity is a shared one. In addition to requiring Sudan to play its part, the Security Council should also call upon all other states to ensure that they do not become safe havens for persons suspected of crimes against humanity and war crimes in Darfur. All states should have the necessary legislation in place to try suspected war criminals, and implement this legislation whenever suspects are found in their territory. They should also be willing to accept the transfer of cases from other jurisdictions unable or unwilling to try them.

For further information, please see Amnesty International, *Sudan: Key actors must now act decisively to ensure justice is done in Darfur*, at <http://web.amnesty.org/library/index/engior410322006>.